

CONDOMINIUM PUBLIC REPORT

Prepared &
Issued by:

Developer: MATTHEW G. BEALL and ANNE S. HASTINGS
Business Address: P. O. Box 1148 2765-A Halaulani Road
Kapaa, Hawaii 96746 Kilauea, Hawaii 96754

Project Name (*): PAPALINA VISTAS CONDOMINIUM
Address: Lot 117 (Por.), Papalina Road, Kalaheo, Hawaii 96741

Registration No. 5662
(Partial Conversion)

Effective date: June 4, 2007
Expiration date: July 4, 2008

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

 PRELIMINARY: The developer may not as yet have created the condominium but has filed with
(yellow) the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

 FINAL: The developer has legally created a condominium and has filed complete
(white) information with the Commission.
[] No prior reports have been issued.
[] This report supersedes all prior public reports.
[] This report must be read together with _____

 x **SUPPLEMENTARY:** This report updates information contained in the:
(pink)
[] Preliminary Public Report dated: _____
[x] Final Public Report dated: May 17, 2005
[] Supplementary Public Report dated: _____

And [] Supersedes all prior public reports.
[x] Must be read together with Final Public Report dated May 17, 2005
[x] This report reactivates the Final
public report(s) which expired on June 17, 2006

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.

FORM: RECO-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☒ Required and attached to this report
(attached hereto as Exhibit G)

☐ Not required - Disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

The Developer refinanced the project. A new Mortgage dated November 9, 2005, and recorded in the Bureau of Conveyances as Document No. 2005-235651, together with an Assignment of Mortgage dated 12/20/05, recorded as Document No. 2006-227079 now encumbers the property as reflected by a new title report.

In addition to this Supplemental Public Report, the new mortgage affects the following documents previously provided to the Real Estate Commission:

1. Title Report. Exh. F has been amended accordingly.
2. Specimen Apartment Deed. Exh. A thereof has been revised to reflect the Mortgage.

Revised Pages 1, 2, 14, 19 and Exh. F constitute this short form Supplementary Public Report.

SPECIAL NOTICE:

This Supplementary Public Report reinstates and updates registration no. 5662. However, any sales contract entered into after the original lapse date of 6/17/2006 may be rescinded by the purchaser and his deposit returned.

This is a condominium project, not a subdivision. There are County restrictions on the number of dwelling units, or other structures, which may be built upon the property. Therefore, unless the purchaser is purchasing an existing dwelling, there is no assurance that the purchaser will be able to build a dwelling unit on the property. There also is no assurance that the purchaser will be able to convert an existing non-residential structure to residential use. The purchaser should consult with the appropriate County agencies to determine whether the purchaser may build a dwelling unit, or any other type of structure.

1. There is presently one residential structure on the Project. There is also one shade structure on the project, which may be defined as an "apartment" under the Condominium Property Act.
2. Issuance of an effective date for this Public Report does not constitute an approval of the project by the Real Estate Commission, or any other governmental agency, nor does it imply that all County codes, ordinances and subdivision requirements have been complied with.
3. This project does not involve the sale of individual subdivided lots. The land area beneath and immediately adjacent to each unit, as shown on the Condominium Map, is designated as a limited common element for that unit and does not represent a legally subdivided lot. The dotted or dash lines on the Condominium Map generally represent the location of the limited common element or easements assigned to each unit.
4. Facilities and improvements normally associated with County approved subdivisions, such as fire protection devices, County street lighting, electricity, upgraded water facilities, improved access for owner and emergency traffic, drainage facilities, etc., may not necessarily be provided for and services such as County street maintenance and trash collection will not be available for interior roads and driveways.

THIS PROSPECTIVE PURCHASER IS CAUTIONED TO CAREFULLY REVIEW THE CONDOMINIUM DOCUMENTS REFERENCED IN THIS PUBLIC REPORT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING.

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit E.

☐ as follows:

3. Common Interests: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interests." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☒ described in Exhibit C.

☐ as follows:

- E. **Encumbrances Against Title**: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property on or your purchase and ownership of an apartment in the project.

Exhibit F describes the encumbrances against the title contained in the title report dated May 14, 2007 and issued by Title Guaranty Escrow Services, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all the documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime, as amended.
 - C) Bylaws of the Association of Apartment Owners, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other Road Widening Reserve Agreement; Land Patent Grant No. 6509 and Mortgage

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property Regime law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following:

Website to access official copy of laws: www.capitol.hawaii.gov

Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs

Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 5662 filed with the Real Estate Commission on March 30, 2005.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock

☐ WHITE paper stock

☒ PINK paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

MATTHEW G. BEALL and ANNE S. HASTINGS

Name of Developer

By: [Signature]
Duly Authorized Signatory*

5-14-07
Date

By: [Signature]
Duly Authorized Signatory*

5-11-07
Date

MATTHEW G. BEALL and ANNE S. HASTINGS, Owner/Developer

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, County of Kauai

Planning Department, County of Kauai

***Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner, Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.**

AMENDED EXHIBIT F

AMENDED ENCUMBRANCES AGAINST TITLE

1. Real Property Taxes. Check with the County of Kauai, Department of Finance, Real Property Tax Division, for detailed information.
2. Title to all minerals and metallic mines reserved to the State of Hawaii.
3. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument.

Entitled: Land Patent Grant No. 6509

4. Agreement for: ROAD WIDENING RESERVE

Executed by: Patrick H. Simao, "Applicant(s)"

and Between: the COUNTY OF KAUAI PLANNING DEPARTMENT,
"Department"

On the terms, covenants and conditions contained therein,

Dated: October 27, 2003

Recorded: December 31, 2003 in the Bureau of Conveyances, State of
Hawaii, as Document No. 2003-289893

5. Condominium Map No. 3940, filed in the Bureau of Conveyances, State of Hawaii.
6. Matters in an instrument that, among other things, contain or provide for easements, assessments, liens and their subordination; provisions relating to partition, restrictions on severability of component interest, covenants, conditions and restrictions, provision that no violation thereof and no enforcement of any lien provided for therein shall defeat or render invalid the lien of a mortgage or

deed of trust made in good faith and for value, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

Entitled: Declaration of Condominium Property Regime
Recorded: February 7, 2005 in the Bureau of Conveyances, State of
Hawaii, as Document No. 2005-025216

Liens and charges for upkeep and maintenance as provided in the above mentioned Covenants, Conditions and Restrictions, if any, where no notice thereof appears on record.

For information regarding the current status of said liens and/or assessments
Contact: ASSOCIATION OF APARTMENT OWNERS OF
PAPALINA VISTAS CONDOMINIUM

7. By-Laws of the Association or Apartment Owners of PAPALINA VISTAS CONDOMINIUM, recorded February 7, 2005 in the Bureau of Conveyances, State of Hawaii, as Document No. 2005-025217.
8. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument.

Entitled: DECLARATION OF PROTECTIVE COVENANTS AND
HOUSE RULES FOR PAPALINA VISTAS
CONDOMINIUM
Dated: February 2, 2005
Recorded: February 7, 2006 in the Bureau of Conveyances, State of
Hawaii, as Document No. 2005-025218

9. AFFECTS APARTMENT 1 ONLY:
 - A. Mortgage to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof, with power of sale and assignment of rents.

Mortgagor: ANNE S. HASTINGS, married, and MATTHEW
G. BEALL, unmarried, as Tenants in Common
Mortgagee: NEW CENTURY MORTGAGE CORPORATION,
a corporation organized and existing under the laws
of California
Dated: November 9, 2005
Recorded: November 18, 2005 in the Bureau of Conveyances,
State of Hawaii, as Document No. 2005-235651

NOTE: The legal description cites the wrong Condominium Map number.
The correct Condominium Map number is 3940 for Condominium Project
“PAPALINA VISTAS CONDOMINIUM”.

The Mortgagee’s interest under said mortgage was assigned to US BANK
NATIONAL ASSOCIATION, as trustee for the GSAMP Trust 2006-NC1
Mortgage Pass-Through Certificates, Series 2006-NC1, without recourse,
by instrument,

Dated: December 20, 2005
Recorded: December 12, 2005 in the Bureau of Conveyances,
State of Hawaii, as Document No. 2006-227079

END OF EXHIBIT F